

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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Patricia M. Colburn,  
Plaintiff

v.

Myles Calvey,  
Defendant

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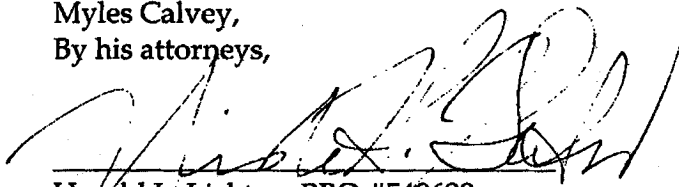
Civil Action No. 04-11784 MLW

**MOTION TO DISMISS**

Pursuant to Fed. R. Civ. Pro. Rule 12(b)(6), defendant Myles Calvey respectfully moves that the Plaintiff's complaint in the above-captioned matter be dismissed in its entirety for failure to state a claim upon which relief may be granted. As presented in detail in the attached memorandum of law, the Plaintiff's claims are barred by the applicable statute of limitations and Mr. Calvey is not a proper defendant under the claims brought by the Plaintiff.

Respectfully submitted,

Myles Calvey,  
By his attorneys,

A handwritten signature in black ink, appearing to read "Harold L. Lichten", is written over a horizontal line.

Harold L. Lichten, BBO #549689  
Nicole Horberg Decter, BBO #658268  
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Dated: Aug. 24, 2004